

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Robert Bryan	Team: Squad #13	CCRB Case #: 201904401	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 05/20/2019 4:55 PM	Location of Incident: In front of 4706 White Plains Road; 47th Precinct Stationhouse	Precinct: 47	18 Mo. SOL 11/20/2020	EO SOL 7/7/2021	
Date/Time CV Reported Tue, 05/21/2019 12:08 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/21/2019 12:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Robert Zeitoun	03552	947631	047 PCT
2. POF Cristy Camarenaabad	06577	964417	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Robert Zeitoun	Abuse: In front of 4706 White Plains Road in the Bronx, Sergeant Robert Zeitoun stopped the vehicle in which § 87(2)(b) was an occupant.	
B.SGT Robert Zeitoun	Abuse: In front of 4706 White Plains Road in the Bronx, Sergeant Robert Zeitoun threatened to seize § 87(2)(b)'s property.	
C.POF Cristy Camarenaabad	Abuse: At the 47 Precinct stationhouse, Police Officer Cristy Camarenaabad did not process § 87(2)(b)'s complaint regarding an officer.	

## Case Summary

On May 21, 2019, § 87(2)(b) called the CCRB and filed this complaint.

At approximately 4:55 p.m. on May 20, 2019, § 87(2)(b) was standing next to his car in front of 4706 White Plains Road in the Bronx, facing the sidewalk. Sergeant Robert Zeitoun of the 47<sup>th</sup> Precinct pulled up in his police vehicle and told him to move, so § 87(2)(b) got in the driver's seat of his car. Sgt. Zeitoun got out of his vehicle, approached § 87(2)(b) car, and told him he was being stopped (**Allegation A – Abuse of Authority – Vehicle Stop**; § 87(2)(g)). Sgt. Zeitoun also allegedly told § 87(2)(b) that if he did not move his car, it could be towed (**Allegation B – Abuse of Authority – Threat to Seize Property**; § 87(2)(g)). No summons or arrest resulted from this incident.

§ 87(2)(b) drove directly to the 47<sup>th</sup> Precinct stationhouse and arrived at approximately 5:30 p.m. He approached Police Officer Cristy Camarena-Abad of the 47<sup>th</sup> Precinct, who was sitting behind a desk near the stationhouse entrance, and told her that he would like to make a complaint against Sgt. Zeitoun. She allegedly said she would not take his complaint because Sgt. Zeitoun had the right to tow his car (**Allegation C – Refusal to Process Civilian Complaint**; § 87(2)(g)).

Sgt. Zeitoun's Body Worn Camera (BWC) footage from the first part of this incident is attached to IA #56 (Board Review 01) and summarized in IA #68 (Board Review 02). Stationhouse footage was received and is attached IA #29, but does not capture the second part of this incident (Board Review 03).

## Findings and Recommendations

**Allegation (A) Abuse of Authority: At 4706 White Plains Road in the Bronx, Sergeant Robert Zeitoun stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (B) Abuse of Authority: At 4706 White Plains Road in the Bronx, Sergeant Robert Zeitoun threatened to seize § 87(2)(b)'s property.**

Sgt. Zeitoun's BWC footage begins during his conversation with § 87(2)(b) who is sitting in the driver's seat of his car, which is parked next to the sidewalk (Board Review 01). Sgt. Zeitoun is standing next to § 87(2)(b) vehicle while § 87(2)(b) appears to speak to him through his open window, but the conversation is inaudible for the first 30 seconds of the video because the sound has not yet turned on. At the timestamp 15:56:03 embedded in the upper left corner of the screen, Sgt. Zeitoun tells § 87(2)(b) to put his car in park because he is being stopped. He also tells § 87(2)(b) that he is not allowed to park where his car is parked. At 16:56:14, he tells § 87(2)(b) not to park his car there. At 16:57:13, Sgt. Zeitoun tells § 87(2)(b) to move his car. At 16:57:48, Sgt. Zeitoun tells § 87(2)(b) that he cannot park his car in that spot because it is a bus stop. After three minutes and fifty seconds of conversation, the video ends with Sgt. Zeitoun walking back to his vehicle, which is double parked in front of § 87(2)(b) vehicle. § 87(2)(b) has not yet driven away by the end of the video. The threat to tow § 87(2)(b) vehicle is not captured in the BWC footage.

In his CCRB interview, § 87(2)(b) stated that he parked his car in front of Peerless Cleaners at 4706 White Plains Road in the Bronx (Board Review 09). He turned off his car, got out, and stood against the passenger-side door facing the curb. He heard a siren, turned around, and saw Sgt. Zeitoun sitting

alone in a marked SUV. Sgt. Zeitoun told him and the drivers of other cars that were stationed nearby with drivers seated in them to move, and several other drivers drove away before § 87(2)(b) got back in his car. Sgt. Zeitoun got out of his car, approached § 87(2)(b) and told him to put his car in park. He also told § 87(2)(b) that if he saw his car there again, he would tow it. § 87(2)(b) responded that he was not blocking the bus stop at the location, so Sgt. Zeitoun should use his discretion and leave him alone. Sgt. Zeitoun got back in his car and drove away without writing § 87(2)(b) a summons.

During his interview, § 87(2)(b) was shown a Google Street View image of the incident location and pointed out where his car was during the incident, and where § 87(2)(b) pointed out is the exact location of a bus stop (Board Review 13).

In his CCRB interview, Sgt. Zeitoun said that he saw § 87(2)(b) standing outside his car, which was parked in a no standing zone and a bus stop along with several other cars, and told the drivers of the illegally parked cars to move (Board Review 10). § 87(2)(b) ignored him while the other drivers followed his direction and moved their cars, so Sgt. Zeitoun pulled over his vehicle, got out, and approached § 87(2)(b) who then got into his car and sat in the driver's seat. § 87(2)(b) had his car in drive and Sgt. Zeitoun was worried he would drive away, so he told him to put his car in park because he was being stopped. Sgt. Zeitoun repeatedly told § 87(2)(b) to move his car, and § 87(2)(b) repeatedly ignored his instructions before ultimately complying. Because § 87(2)(b) car was illegally parked, Sgt. Zeitoun told § 87(2)(b) that if he did not move his car, it could be towed.

According to Section 4-08(c) of the New York City Traffic Rules, no person shall stand or park a vehicle other than an authorized bus in its assigned bus stop when any such stop has been officially designated and appropriately posted, except that the operator of a vehicle may temporarily stand therein for the purpose of expeditiously receiving and discharging passengers provided such standing does not interfere with any bus about to enter or leave such stop (Board Review 04).

According to Section 20-511 of the New York City Administrative Code, when a vehicle is obstructing traffic, and the person in charge of such vehicle has not arranged for its removal, a police officer may direct its removal by a person licensed to engage in towing (Board Review 06).

§ 87(2)(g)

§ 87(2)(g)

**Allegation (C) Abuse of Authority: At the 47 Precinct stationhouse, Police Officer Cristy Camarena-Abad did not process § 87(2)(b)'s complaint regarding an officer.**

§ 87(2)(b) stated that when he arrived at the 47<sup>th</sup> Precinct stationhouse, he approached PO Camarena-Abad, identified via investigation, and told her that he wanted to file a complaint against an officer. PO Camarena-Abad asked him which officer he would like to file a complaint against. Just as she said this, Sgt. Zeitoun walked into the stationhouse and approached § 87(2)(b). § 87(2)(b) told PO Camarena-Abad, "Here he comes." Sgt. Zeitoun asked § 87(2)(b) "What do you want? I'll give you what you want." § 87(2)(b) replied, "You act as if you have too much power," but did not tell him that he was going to file a complaint against him. Sgt. Zeitoun responded, "I have you on camera," and walked away. § 87(2)(b) told PO Camarena-Abad what had happened, and she replied that she would not take his complaint because Sgt. Zeitoun had a right to tow his car. § 87(2)(b) asked her under what circumstances Sgt. Zeitoun could tow his car, but she ignored his question and did not provide him with any information about how to file a complaint.

PO Camarena-Abad did not recall this incident and did not recognize § 87(2)(b)'s photograph, but confirmed that she was the Telephone Switchboard Operator that day (Board Review 11).

Sgt. Zeitoun said that when he returned to the stationhouse after his initial interaction with § 87(2)(b) that day, he saw § 87(2)(b) standing in the front vestibule. He approached PO Camarena-Abad, the Telephone Switchboard Operator, who told him that § 87(2)(b) wanted to file a complaint against him. He asked § 87(2)(b) whether he wanted his name and shield number, and § 87(2)(b) responded that he did not. Sgt. Zeitoun had not further interaction with § 87(2)(b) on that day and did not know if anyone ended up taking his complaint.

Stationhouse footage from the 47<sup>th</sup> Precinct stationhouse shows § 87(2)(b) entering the stationhouse at 5:55 p.m. on the day of the incident, but does not capture the interaction between him and PO Camarena-Abad. The Command Log for May 20, 2019 was received from the 47<sup>th</sup> Precinct with redacted portions (Board Review 12), but the unredacted portions of the Command Log make no mention of § 87(2)(b)'s appearance at the stationhouse or his desire to make a complaint. A search of the CCRB's Complaint Tracking System (CTS) on October 4, 2019 confirmed that the CCRB never received a duplicate complaint, § 87(2)(g).

According to Section 207-31 of the NYPD Patrol Guide, upon receipt of a complaint by a civilian alleging misconduct by a member of service, an officer must report all misconduct complaints to the Civilian Complaint Review Board (Board Review 07).

§ 87(2)(g)  
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§ 87(2)(g).

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.

- Sgt. Zeitoun has been a Member of Service for 11 years and has been the subject of 18 complaints in six previous cases, none of which were substantiated. § 87(2)(g)
- PO Camarena-Abad has one other open CCRB complaint, case #201905114, which is still pending investigation. § 87(2)(g).

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- A Notice of Claim search request was sent to the New York City Comptroller's office on September 26, 2019. The results will be added to the case file upon receipt.

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Squad 13

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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